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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,986	03/31/2005	Jean Phillippe Surivet	1529/2082	2157

29932 7590 09/18/2006

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EXAMINER

SEAMAN, D MARGARET M

ART UNIT	PAPER NUMBER
1625	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

This application was filed 3/31/2005 and is a 371 of PCT/EP03/11203 (10/9/2003) which claims priority to GE 102 47 233.5 (10/10/2002) and GE 102 56 405.1 (12/2/2002). Claims 1-13 are before the Examiner.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 13 is rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter, i.e. "Use of" is not a statutory subject matter; however, "A method of using..." is proper statutory subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1625

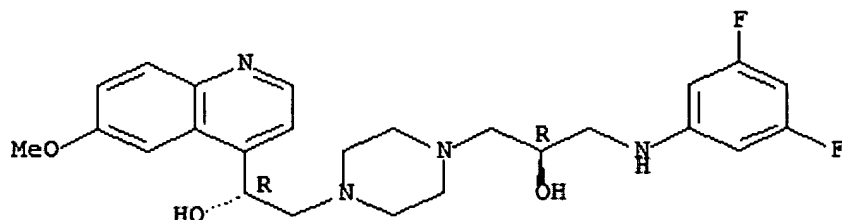
4. Claims 1-10 and 12 are rejected under 35 U.S.C. 102(a,b) as being anticipated by WO 200078748, FR 2798656, WO 200208224 and WO 200250040.

WO 200078748, FR 2798656 are available as 102(b) references and WO 200208224 and WO 200250040 are available under 102(a) as references.

WO 200250040 teaches

CN 1,4-Piperazinediethanol, α -[[(3,5-difluorophenyl)amino]methyl]- α' -(6-methoxy-4-quinolinyl)-, (α R, α' R)- (9CI) (CA INDEX NAME)

Absolute stereochemistry.



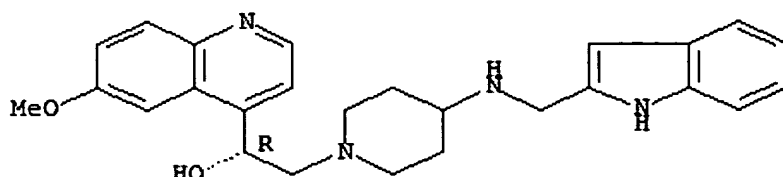
as an

antibacterial agent.

WO 200208224 teaches

CN 4-Quinolinemethanol, α -[[4-[(1H-indol-2-ylmethyl)amino]-1-piperidinyl]methyl]-6-methoxy-, (α R)- (9CI) (CA INDEX NAME)

Absolute stereochemistry.



as an

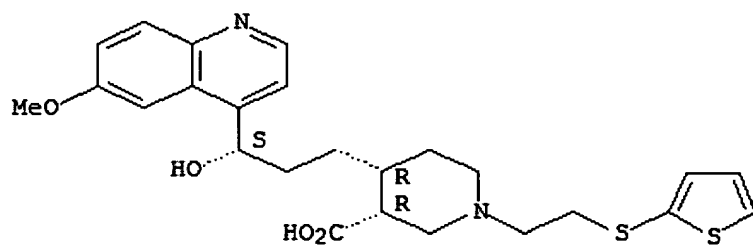
antibacterial compound.

Art Unit: 1625

FR 2798656 teaches

CN 3-Piperidinecarboxylic acid, 4-[(3S)-3-hydroxy-3-(6-methoxy-4-quinolinyl)propyl]-1-[2-(2-thienylthio)ethyl]-, (3R,4R)- (9CI) (CA INDEX NAME)

Absolute stereochemistry.

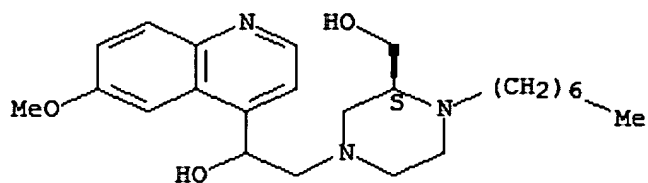


as an antibacterial agent.

WO 200078748 teaches

CN 4-Quinolinemethanol, α -[[(3S)-4-heptyl-3-(hydroxymethyl)-1-piperazinyl)methyl]-6-methoxy- (9CI) (CA INDEX NAME)

Absolute stereochemistry.



as an

antibacterial agent.

These compounds anticipate the instant claims.

Claim Objections

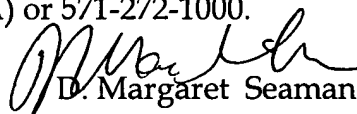
5. Claim 11 is objected to because it depends from a rejected base claim.

Appropriate correction is required.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Margaret Seaman whose telephone number is 571-272-0694. The examiner can normally be reached on 730am-4pm, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas McKenzie can be reached on 571-272-0670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


D. Margaret Seaman
Primary Examiner
Art Unit 1625

dms